

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY
LITIGATION**

MDL No. 16-2738 (FLW) (LHG)

This Document Applies to All Actions Filed
Against Defendant Personal Care Products
Council

**CASE MANAGEMENT ORDER NO. 10
(Stipulation on Amendment or Re-Filing of Cases
Against PCPC and Order of Dismissal)**

This matter, having come before the Court on the application of Plaintiffs and Defendant Personal Care Products Council (“PCPC”), with the consent of the Johnson & Johnson Defendants and Defendant Imerys Talc America, Inc.

WHEREAS, Defendant PCPC filed a motion to dismiss for lack of personal jurisdiction each and every civil action that has been:

- designated in Paragraph 10 of the Short Form Complaint for remand to a U.S. District Court other than the U.S. District Court for the District of New Jersey or the U.S. District Court for the District of Columbia; and/or
- transferred to this Court for coordinated or consolidated pretrial proceedings from a U.S. District Court other than the U.S. District Court for the District of New Jersey or the U.S. District Court for the District of Columbia.

WHEREAS, subject to the terms of this Order as set forth below, Plaintiffs’ lead counsel has agreed to the dismissal of Defendant PCPC from the lawsuits that are the subject of Defendant PCPC’s motion to dismiss for lack of personal jurisdiction;

WHEREAS, if dismissed, some of these actions may be time-barred under the applicable statute of limitations principles because they may be found not to have been properly filed in their original venue and the time to file a new action in a proper venue has expired;

WHEREAS, Plaintiffs' lead counsel and Defendant PCPC stipulate to the amendment or re-filing of such actions by tolling applicable limitations periods for 60 days;


THEREFORE, subject to the approval of the Court, Plaintiff's lead counsel and Defendant PCPC hereby stipulate and agree as follows:

1. The limitations periods applicable to any individual civil action within the definition of this MDL proceeding that was originally filed in a federal or state court arguably lacking personal jurisdiction over Defendant PCPC shall be tolled for the period between the date on which that action was originally filed through the deadline stated in Paragraph 2, provided that Plaintiffs in such actions either: (a) re-file a separate, individual action against PCPC in a different state jurisdiction; or (b) file an amended Short Form Complaint in this MDL, designating either the U.S. District Court for the District of New Jersey or the U.S. District Court for the District of Columbia in Paragraph 10.
2. Such tolling shall be applied only to actions amended or re-filed as specified in this Stipulation and Order within 60 days of the date of this Stipulation and Order.
3. As to any actions affected by this Order, all Defendants reserve all rights to object on improper venue, personal jurisdiction, or other appropriate grounds to the "Original District" specified in the Complaint (if the action is amended) or to the court in which the action is re-filed (if the action is re-filed in another court).
4. Following the expiration of the 60-day period specified in paragraph 2, each and every civil action (other than those amended through the process described above) that has been

either designated in Paragraph 10 of the Short Form Complaint for remand to a U.S. District Court other than the U.S. District Court for the District of New Jersey or the U.S. District Court for the District of Columbia and/or transferred to this Court for coordinated or consolidated pretrial proceedings from a U.S. District Court other than the U.S. District Court for the District of New Jersey or the U.S. District Court for the District of Columbia is hereby DISMISSED as to Defendant PCPC only.

SO STIPULATED AND ORDERED.

This 22nd day of February 2018


UNITED STATES DISTRICT JUDGE